

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of FITZPATRICK, *et al.* Confirmation No.: 1337  
Serial No.: 10/086,401  
Group: 2137  
Examiner: Gelagay, Shewaye  
Date Filed: March 1, 2002  
Docket No.: BOC9-2001-0011

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DECLARATION UNDER 37 C.F.R. § 1.131

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Jeffrey A. Hemming, a citizen of the United States of America, residing in Southlake, Texas, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Armonk, New York at the time the above-identified application was conceived. I make this declaration in support the above-identified application.

2. IBM had invested and continues to invest substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).

3. As a named co-inventor for this invention, I submitted the attached Invention Disclosure No. BOC8-2001-0022 together with my co-inventor, Gregory P. Fitzpatrick.

4. IBM Confidential Invention Disclosure BOC8-2001-0022 has not been amended since March 15, 2001. The disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully supported by the disclosure in light of the invention disclosure and art known at the time of the disclosure.

5. I diligently worked with outside counsel to prepare and file the above-mentioned patent application.

Declaration Under 37 C.F.R. §1.131  
U.S. Patent Appln. No. 10/086,401  
Docket No. BOC9-2001-0011

6. I make this Declaration to establish that my co-inventors and I conceived of the present invention at least as early as March 15, 2001, and exercised due diligence from prior to March 15, 2001 through March 1, 2002, the filing date for the above-identified patent application.

7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

  
Jeffrey A. Heming

Date: May 9, 2006

STATE OF TEXAS                    )  
  ) ss:  
COUNTY OF TARRANT         )

The foregoing instrument was sworn to and subscribed before me this 9 day of May, 2006, by JEFFREY A. HEMING, who is personally known to me or who has produced Texas Driver License (type of identification) as identification.



  
NOTARY PUBLIC, STATE OF TEXAS  
Wendy S. Thompson  
(Print, Type or Stamp Commissioned Name of Notary Public)